

### REMARKS

Claims 1-24 were pending in the application, and the Examiner rejected all claims. Applicant respectfully traverses the Examiner's rejections.

In the past, manufacturers have used a single master plan for scheduling and to quote estimated delivery dates to potential customers. However, in order to quote delivery dates to potential customers, many prior systems have allowed simulated sales orders to be placed into the master plan. Therefore purchasers and production planners accessing the master plan have been making purchasing and production scheduling decisions based, at times, on simulated data, rather than real data. Some systems have attempted to provide quite complex and cumbersome solutions to this problem, by providing a quite complicated master plan that allows simulations to be performed and also allows purchasing decisions to be made, by limiting the data that can be viewed by different users who access the master plan.

The present system provides two master plans, one of which is relatively static and contains only actual orders. The static plan is used by production planners and purchasers to make decisions. Another plan is a dynamic master plan which is used by sales people in order to simulate orders to quote delivery dates. The dynamic plan can be updated, for instance, once per day with the information from the static plan so that the sales people are simulating orders based on relatively current data.

One of the arguments made in Applicant's last response dated August 11, 2008, was that none of the references cited by the Examiner, either alone or in combination, teaches two separate master plans wherein one is intermittently copied to the other, to replace the other. In the latest Office Action, the Examiner has not controverted this. Instead, the Examiner has simply stated that the Huang et al. reference teaches a single master plan that can be configured so that it provides different views, each view having access to different data. Therefore, the Examiner argues that Huang can be used to "create a number of virtual plans (view points or frames) using historical, current and projected sales data...". Based on this assertion, the Examiner has maintained the rejection of the claims. It would therefore appear implicit in the

Examiner's rejection that the Examiner has acknowledge that Huang does not teach two separate plans.

By maintaining only a single plan, the Huang reference completely defeats one of the purposes of the present invention. As the Examiner pointed out, Huang devotes a large portion of its description to the requirements of the planning personnel in the enterprise deploying the Huang system to engage in "monthly PSI planning meetings, developing initial and long-term top-down sales forecasts and budget plans, integrating the inputs from various resources, resolving possible conflicts, and balancing the concerns of different functions in order to reconcile, develop and approve a new set of feasible sales production and inventory requirements." See column 13, lines 9-44. The Huang plan also requires the personnel to "evaluate the effects and understand the implications of specific changes in the sales or production plans. Conflict resolution mechanisms are needed to adapt and maintain these plans."

Therefore, it is clear that for a single plan to maintain both forecast data and actual sales data, a relatively cumbersome and complex process is required by which that data is somehow separated, and by which views are generated for different personnel, given different functions, and that only appropriate data is allowed on a given view, at a given time, based on who is accessing that data, and for what purpose the data is being accessed. Similarly, conflict resolution becomes a major issue of concern, as acknowledged in Huang et al. Timing of updating actual and forecast data becomes very important. Since all of the information is integrated into a single plan, the plan must be continuously dynamically updated, conflicts must be continuously and dynamically resolved, and the data allowed certain views must also be continuously and dynamically updated. Of course, this level of complexity and cumbersome functionality renders such a system relatively brittle and costly to maintain. Huang, itself, discusses the need for either the user to limit the data accessed, or for a system administrator to create separate views for separate users and import data limitations on those views, as required. See Huang, column 2.

In contrast to the complex nature of the Huang system, which maintains all of the data in a single plan, the present system simply provides two plans. In order to resolve all conflicts and maintain data integrity, one plan is simply copied into the other plan intermittently so that, intermittently, both plans contain identical data. This is a very simple and straightforward system, in direct contrast to the complex and cumbersome system set out in Huang et al. The simplicity arises, at least in substantial part, from the fact that there are two separate and distinct plans that operate separately, and the Examiner has not even asserted that any of the references teach or suggest such a system.

Specifically, independent claim 1 explicitly includes “a first master plan...”; and “a second master plan...”. Claim 1 specifically states that the first and second master plans have different user interfaces configured to do different things and wherein “the second master plan [is] intermittently copied to the first master plan to replace the first master plan so the first and second master plans intermittently contain identical data.” The Examiner has utterly failed to teach or suggest these limitations. In fact, in the rejection on page 3 of the Office Action, the Examiner has misquoted the limitations of claim 1. The Examiner characterizes the limitations as “master plan” and “secondary master plan” as well as “intermittently only actual sales order is copied from the secondary master plan to the master plan.” This is not what claim 1 says. Instead of a master plan and a secondary master plan, which appears to blur the distinctions between two separate and distinct master plans, claim 1 specifically includes “a first master plan...” and “a second master plan...”. The Examiner does not point to any portion of the Huang et al. reference which meets these limitations.

Also, instead of “intermittently only actual sales order is copied from the secondary master plan to the master plan...” independent claim 1 states that “the second master plan being intermittently copied to the first master plan to replace the first master plan so the first and second master plans intermittently contain identical data.” (Emphasis added). The Examiner does not even address this limitation.

Because Huang et al. discloses only a single master plan, it cannot meet this limitation. Because there is only a single plan in Huang et al., there is no possibility that one plan is copied into the other plan “to replace [the other] master plan”. This is simply impossible where there is only a single plan. The Examiner therefore appears to be citing the single plan in Huang to meet the limitations of two separate master plans recited in independent claim 1. Of course, this is impermissible and, in any case, fails to teach the invention set out in independent claim 1. Applicant thus submits that independent claim 1 is allowable over the references cited by the Examiner.

Independent claim 8 is drawn to a method of generating estimated delivery dates and of planning production. The very first step in independent claim 8 is “providing first and second master plans, each including actual sales order data indicative of actual sales orders...”. The Examiner does not dispute that Huang et al. only discloses a single plan with different views. Therefore, Huang et al. cannot meet the very first limitation of claim 8. Applicant thus submits that the single, relatively complex and cumbersome plan discussed in Huang et al. cannot render claim 8 unpatentable. Applicant thus submits that claim 8 is allowable over the references cited by the Examiner.

Independent claim 18 is drawn to a computer readable medium having computer executable instructions stored thereon which generate estimated delivery dates and plan production. The instructions include “identifying first and second master plans, each including actual sales order data indicative of actual sales orders...”. Again, as discussed above, the Examiner acknowledges that Huang et al. only teaches one plan. From this, the Examiner concludes that it would be obvious to have two plans. Of course, this conclusion is simply not supported by the references. Neither of the references teach two plans, nor do they teach, suggest, or even mention that it may be obvious, beneficial or in any way favorable to have two plans. Therefore, Applicant submits that independent claim 18 is allowable over the references cited by the Examiner.

Applicant also submits that a number of the dependent claims are independently allowable. For instance, claim 2 states that the second master plan is configured to be updated once per day, and claim 3 states that the second master plan is configured to be copied into the first master plan once per day, after the second master plan is updated. Of course, as mentioned above, Huang et al. only teaches a single plan. That being the case, there is simply no rational reason how it could teach claims 2 and 3, one of which indicates that the second plan is updated and the other of which indicates that the second plan is copied into the first plan once per day. If there is only one plan, to say that the reference teaches that a second plan is copied into the first plan is simply unsupported.

Notably, in the middle of page 5 of the Office Action, the Examiner has acknowledged that Huang fails to disclose this features. Yet, the Examiner has concluded that the feature is unpatentable. The rejection is thus unsupported.

With respect to claims 5-7, the Examiner again acknowledges that Huang does not teach these features. At the bottom of page 5, the Examiner states that “Huang does not specifically disclose all...the features shown in these dependent claims. Yet the Examiner concludes that the references teach these features. This seems to be a contradiction.

For instance, claim 6 specifically states that “the first and second master plans are configured to operate substantially independently of one another except when the second master plan is updated and when the second master plan is copied to the first master plan.” Of course, since Huang only teaches a single plan, it cannot teach two plans that operate independently of one other. In fact, the discussion of Huang is directed to how sales can be simulated and actually recorded, at the same time, in Huang’s single plan. Huang devotes significant attention to resolving conflicts and maintaining the integrity of its system, in this way. Therefore, it is counterintuitive to assert that Huang teaches two different plans (when, in fact, it only teaches one) and then to further assert that it teaches two different plans that operate substantially independently of one other. This is simply not found anywhere in Huang, either by direct

teaching or by suggesting. Applicant thus submits that dependent claims 5-7 are independently allowable.

The same holds true for claims 9-11, 12-15 and 19-22. The Examiner acknowledges that Huang et al. does not teach these features, yet the Examiner concludes that Huang somehow renders these claims unpatentable.

In sum, Huang et al. does not teach two separate plans. The Examiner acknowledges this, but indicates that Huang teaches a single plan with two views. The Examiner acknowledges that Huang does not teach the elements set out in claims 2-3, 9-11 and 19-21. See Office Action, middle of page 5. The Examiner further acknowledges that Huang does not teach the elements of dependent claims 5-7, 12-15 and 22. See Office Action, bottom of page 5. Yet, the Examiner somehow concludes that all of these claims are unpatentable in view of Huang. Applicant traverses the rejection and submits that, because the reference does not teach or suggest these elements, it cannot render them unpatentable. Therefore, Applicant respectfully requests reconsideration and allowance of claims 1-24.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

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